AMENDMENT TO RULES COMMITTEE PRINT 116–54

OFFERED BY MR. ROUDA OF CALIFORNIA

Amend section 1617 of the bill to read as follows:

SEC. 1617. CONSTRUCTION MATERIALS PROCUREMENT.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture shall initiate a review of the procurement processes used by States and localities to select construction materials on projects utilizing funds administered by the Federal Highway Administration, the Environmental Protection Agency, or the Department of Agriculture.

(b) Contents.—The review under subsection (a) shall include:

(1) A review of competitive practices in the bidding process for construction materials;

(2) a list of States and localities that currently issue bids that include flexibility in the type of construction materials used to meet the project specifications;
(3) any information provided by States and localities on considerations that influence the decision to include competition by type of material in construction projects;

(4) any data on whether issuing bids that include flexibility in the type of construction materials used to meet the project specifications will affect project costs over the lifecycle of an asset;

(5) any data on the degree to which competition leads to greater use of sustainable, innovative, or resilient materials; and

(6) an evaluation of any barriers to more widespread use of competitive bidding processes for construction materials.

(c) RULE OF STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to—

(1) waive any requirements or standards in any provision of law commonly known as Buy America; or

(2) limit the authority or responsibility of States or localities (or a contractor on behalf of a State or locality) to determine appropriate construction materials that meet the performance requirements and enhance the service life, sustainability, and resiliency of the infrastructure projects.
(d) REPORT.—Not later than 18 months after the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Agriculture of the House of Representatives and the Committee on Environment and Public Works and the Committee on Agriculture of the Senate, and make publicly available, a report on the review initiated pursuant to this section.